

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Portside Growth and Opportunity Fund

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Earth Biofuels, Inc.

07 CIV 5582

TO: (Name and address of defendant)

Earth Biofuels, Inc.
3001 Knox Street, Suite 403
Dallas, TX 75205

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

A. Brent Truitt
Hennigan, Bennett & Dorman LLP
245 Park Avenue, 39th Floor
New York, NY 10167
Tel: 212-672-1966

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Marcos Quintero

(BY) DEPUTY CLERK

DATE

JUN 08 2007

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------------------------------------|--------------------|---------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): HENNIGAN, BENNETT & DORMAN LLP 865 S. FIGUEROA STREET, # 2900 LOS ANGELES, CA 90017 | | TELEPHONE NO.: (213) 694-1200 | FOR COURT USE ONLY | |
| ATTORNEY FOR (Name): | | Ref. No. or File No. EROF | | |
| Court name of court, judicial district or branch court, if any: UNITED STATES DISTRICT COURT , NY | | | | |
| PLAINTIFF: PORTSIDE GROWTH | | | | |
| DEFENDANT: EARTH BIOFUELS, INC. | | | | |
| PROOF OF SERVICE | DATE | TIME | DEPT/CLERK | CASE NUMBER: 07CV5582 |

**UNITED STATES DISTRICT COURT
DECLARATION OF SERVICE**

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

**Summons & Complaint; 7.1 Statement; 3rd Amended Instructions; Guidelines for Electronic Case Filing;
Procedures for Electronic Case Filing; Individual Practices of Judge Daniels**

ON: EARTH BIOFUELS, INC.

**AT: 3001 KNOX ST., # 403
DALLAS, TX 75205**

**IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH:
DARREN MILES - PERSON AUTHORIZED TO ACCEPT SERVICE OF PROCESS**

**ON: 06/14/2007
AT: 10:07 am**

Manner of service in compliance with Federal Code of Civil Procedure.

Fee for Service: 155.00

County:
Registration No.:
Janney and Janney Attorney
Service, Inc.
1545 Wilshire Blvd.
Los Angeles, CA 90017
(213) 628-6338

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on June 19, 2007.

Signature:

Lee E. Russell

PROOF OF SERVICE

Order #: 120018203Prod330